IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 30928 of 2004(F)

PETITIONERS:

---

1. K.N.VIJAYAN, EXCISE PREVENTIVE OFFICER, EXCISE CIRCLE OFFICE, ADOOR.

2. V.UNNIKRISHNAN NAIR, EXCISE PREVENTIVE OFFICER, EXCISE INTELIGENT AND INVESTIGATION BUREAU, PATHANAMTHITTA.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

---

1. EXCISE COMMISSIONER, COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

2. ASSISTANT EXCISE COMMISSIONER, PATHANAMTHITTA.

3. R.DIVAKARAN, EXCISE GUARD, EXCISE RANGE OFFICE, ADOOR.

BY GOVERNMENT PLEADER SRI. K.V.MANOJ for R1 & R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.30928/2004 F

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE AMENDMENT DTD. 15/04/1992.**

EXT.P2: **COPY OF THE ORDER DTD. 30/03/2001.**

EXT.P3; **COPY OF THE JUDGMENT IN O.P.12049/2001 DTD. 5/04/2001.**

EXT.P4: **COPY OF THE JUDGMENT IN W.A.1563/01 DTD. 28/11/2002.**

EXT.P5: **COPY OF THE ORDER OF THE 2ND RESPONDENT DTD. 18/03/2003.**

EXT.P6: **COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DTD. 1/12/2003.**

EXT.P7: **COPY OF THE ORDER OF THE 1ST RESPONDENT ON 8/09/2004.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH J.

W.P.(C) No.30928 of 2004

Dated 6th July, 2007.

J U D G M E N T

Petitioners are SSLC holders. They were appointed as Excise Guards in 1980 and 1989 respectively. In Ext.P2, Government provided that while applying the ratio 1:1 for promotion to the post of Preventive Officer, a senior Excise Guard who possesses the minimum qualification of pass in SSLC should not be superseded by a junior Excise Guard who does not possess the qualification of SSLC. The issue is covered against the petitioners by the decision of this Court in **Sugathan v. Shahul Hameed** [2006(4) KLT 54(FB)]. The writ petition is hence dismissed.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.